

APPENDIX A

(1) Copy of the Order of the United States District Court whose decision is sought to be reviewed.

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

LOWELL M. STROOM,	}	Civil Action
Plaintiff,		81-2192
v.		(Filed: Dec. 14,
JAMES E. CARTER,		1982)
Defendant.	}	

O R D E R

This action is before the Court on plaintiff's motion for new trial, request for hearing, and application for a three-judge panel. Upon consideration of these papers, the Court's memorandum opinion in this case filed December 28, 1981, the Court of Appeal's summary affirmance, Stroom v. Carter, No. 82-1114 (D. C. Cir. May 24, 1982), and the entire record, the Court finds plaintiff's latest papers frivolous and accordingly denies them

2a

without requiring a response from the
defendant.

December 13, 1982

JUNE L. GREEN
June L. Green
U. S. District Judge

APPENDIX B

(ii) Copies of All Other Orders
Rendered by Courts in the Case

(ii.1) The Order of the Supreme
Court Denying a Rehearing on a
Petition for Writ of Certiorari.

SUPREME COURT OF THE UNITED STATES
OFFICE OF THE CLERK
Washington, D. C. 20543

November 8, 1982

Mr. Lowell M. Stroom
4030 Spruce Street
Philadelphia, PA 19104

Re: Lowell M. Stroom,
v. James E. Carter
No. 82-318

Dear Mr. Stroom:

The Court today entered the
following order in the above entitled
case:

The petition for rehearing is denied.

Very truly yours,

Alexander L. Stevas, Clerk

4a

(11.2) The Order of the Supreme Court
Denying a Petition for a Writ of
Certiorari.

SUPREME COURT OF THE UNITED STATES
OFFICE OF THE CLERK
Washington, D. C. 20543

October 4, 1982

Mr. Lowell M. Stroom
4030 Spruce Street
Philadelphia, PA 19104

Re: Lowell M. Stroom,
v. James E. Carter
No. 82-318

Dear Mr. Stroom:

The Court today entered the following
order in the above entitled case:

The petition for a writ of certiorari
is denied.

Very truly yours,

Alexander L. Stevas, Clerk

(11.3) The Order of the Court of Appeals Concerning the Certification and Transmission of the Record to the Supreme Court.

UNITED STATES COURT OF APPEALS
for the District of Columbia Circuit

No. 82-1114	September Term, 1981
Lowell M. Stroom, Appellant	Civil Action 81-02192
v.	
James E. Carter, President (formerly)	Filed Sep 2 1982 George A. Fisher Clerk

O R D E R

Upon consideration of appellant's request for certification and transmission of record, it is

ORDERED, that upon payment of proper fee, the Clerk is directed to prepare, certify and transmit, to the Supreme Court of the United States, a record of all proceedings in the above captioned case; And it is

FURTHER ORDERED, that the Clerk of the District Court shall retransmit to this Court the certified record of

proceedings in District Court as soon as the business of his office permits and the Clerk of this Court, upon receipt of the aforementioned certified record of proceedings in District Court, shall transmit same to the Supreme Court of the United States.

FOR THE COURT,

GOERGE A. FISHER
George A. Fisher
Clerk

(11.4) Order of the U. S. Court of Appeals Denying a Rehearing.

UNITED STATES COURT OF APPEALS
for the District of Columbia Circuit

No. 82-1114 September Term, 1981

Lowell M. Stroom,
Appellant

v.

Filed Jun 28 1982

James E. Carter,
President
(formerly)

George A. Fisher
Clerk

BEFORE: Wilkey and Wald, Circuit Judges

O R D E R

On consideration of appellant's
petition for rehearing, filed Juen 27,
1982, it is

ORDERED by the Court that the
aforesaid petition is denied.

FOR THE COURT,

George A. Fisher,
Clerk

BY: ROBERT A. BONNER
Robert A. Bonner
Chief Deputy Clerk

(11.5) Order of the U. S. Court of Appeals Denying a Rehearing En Banc.

UNITED STATES COURT OF APPEALS
for the District of Columbia Circuit

No. 82-1114 September Term, 1981

Lowell A. Stroom,
Appellant

v.

Civil Action No.

James E. Carter,
President
(formerly)

81-02192

BEFORE: Robinson, Chief Judge, Wright,
Tamm, MacKinnon, Wilkey, Wald, Mikva,
Edwards, Ginsburg and Bork, Circuit
Judges

O R D E R

Appellant's suggestion for rehearing
en banc has been circulated to the full
Court and no member of the Court has
requested the taking of a vote thereon.

On consideration of the foregoing, it is

ORDERED by the Court en banc that the
aforesaid suggestion is denied.

Per Curiam

FOR THE COURT:

Filed Jun 28 1982
George A. Fisher
Clerk

George A. Fisher
Clerk

BY: ROBERT A. BONNER
Robert A. Bonner
Chief Deputy Clerk

(11.6) Order of the U. S. Court of Appeals Denying Appellant's Motion for Court Rulings on Procedure.

UNITED STATES COURT OF APPEALS
for the District of Columbia Circuit

No. 82-1114 September Term, 1981
Lowell M. Stroom,
Appellant Civil Action No.
v. 81-02192
James E. Carter,
President Filed Jun 28 1982
(formerly) George A. Fisher, Clerk
BEFORE: Wilkey and Wald, Circuit Judges

O R D E R

On consideration of the petition in reference to Appellant's "Motion for Court Ruling On Procedures" entered 19 May 1982, and a disposition order having been entered on May 24, 1982, it is

ORDERED by the Court that the aforesaid petition is denied.

Per Curiam

FOR THE COURT:

George A. Fisher,
Clerk

BY: ROBERT A. BONNER
Robert A. Bonner
Chief Deputy Clerk

(11.7) Order of the U. S. Court of Appeals denying appellant's motion for temporary restraining orders and affirming "the order of the District Court on appeal".

UNITED STATES COURT OF APPEALS
for the District of Columbia Circuit

No. 82-1114 September Term, 1981

Lowell M. Stroom,
Appellant
v.

Civil Action No.
81-02192

James E. Carter,
President
(formerly)

Filed May 24 1982
George A. Fisher
Clerk

BEFORE: Tamm, Wilkey, Wald, Circuit
Judges

O R D E R

On consideration of appellee's motion for summary affirmance, the response thereto, appellant's motion for immediate temporary restraining order, the opposition and of the reply, it is

ORDERED by the Court that the motion for temporary restraining order is denied, and, it is

FURTHER ORDERED by the Court that the order of the District Court on appeal herein is summarily affirmed. It is

FURTHER ORDERED by the Court, sua sponte, that the Clerk shall withhold issuance of the mandate herein until seven days after disposition of any timely petition for rehearing. See Local Rule 14, as amended on November 30, 1981.

Per Curiam

Circuit Judge Tamm did not participate in the foregoing order.

(11.8) Order of the U. S. Court of
Appeals Denying Initial Hearing
En Banc.

UNITED STATES COURT OF APPEALS
for the District of Columbia Circuit

No. 82-1114	September Term, 1981
Lowell M. Stroom,	Civil Action No.
Appellant,	81-02192
v.	Filed Apr 23 1982
James S. Carter,	George A. Fisher
President	Clerk
(formerly)	

BEFORE: Robinson, Chief Judge, Wright,
Tamm, MacKinnon, Robb, Wilkey, Wald,
Mikva, Edwards, Ginsburg and Bork,
Circuit Judges

O R D E R

On consideration of appellant's
suggestion for en banc hearing, the
suggestion having been circulated to the
full Court and no Judge having called for
a vote thereon, it is

ORDERED by the Court, en banc, that
appellant's suggestion for initial hearing
en banc is denied.

Per Curiam

For the Court

GOERGE A. FISHER, CLERK

BY: DANIEL M. CATHEY
Daniel M. Cathey
First Deputy Clerk

(ii.9) Order of the U. S. Court of
Appeals Denying an Expedited Hearing.

UNITED STATES COURT OF APPEALS
for the District of Columbia Circuit

No. 82-1114 September Term, 1981

Lowell M. Stroom, Civil Action No.
Appellant 81-02192

v.

James E. Carter, Filed Apr 23 1982
President George A. Fisher,
(formerly) Clerk

BEFORE: Tamm, Ginsburg* and Bork, Circuit
Judge

O R D E R

On consideration of appellant's
application for expedited proceedings, of
the opposition thereto, it is

ORDERED by the Court that appellant's
application for expedited proceedings is
denied.

Per Curiam

*Circuit Judge Ginsburg did not participate
in this order.

(11.10) The Order of the District Court Denying a Rehearing. No Opinion was filed with This Order.

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

LOWELL M. STROOM

Plaintiff

Filed Jan 19 1982

v.

JAMES E. CARTER

Defendant

Civil Action No.

81-2192

O R D E R

Upon consideration of plaintiff's motion for amendments to the Court's findings of December 28, 1981 and a new trial, and the entire record in this action, it is by the Court this 19th day of January 1982,

ORDERED that plaintiff's motion is denied.

JUNE L. GREEN
June L. Green
U. S. DISTRICT JUDGE

(11.11) Order of the U. S. District
Court Dismissing Action.

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

LOWELL M. STROOM

Plaintiff

v.

Civil Action No.

81-2192

JAMES E. CARTER

Defendant

Filed Dec 28 1981

O R D E R

Upon consideration of defendant's
motion to dismiss, plaintiff's response,
and the entire record in this action, for
the reasons stated in the accompanying
opinion, it is by the Court this 28th
day of December 1981,

ORDERED that defendant's motion to
dismiss is granted; and it is further

ORDERED that this action is dismissed.

JUNE L. GREEN
June L. Green
U. S. DISTRICT JUDGE

(11.12) Memorandum Opinion of the
U. S. District Court.

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

LOWELL M. STROOM

Plaintiff

Civil Action No.

81-2192

v.

JAMES E. CARTER

Defendant

Filed Dec 28 1981

MEMORANDUM OPINION

The Court grants defendant's motion to dismiss because plaintiff has failed to state a claim upon which relief can be granted. Fed.R.Civ.Pro. 12(b)(6).

Plaintiff alleges he was a candidate for president in 1980. He claims that former President Carter acted unconstitutionally and negligently in allowing the Federal Election Campaign Act of 1971 to be applied to the presidential election; that the Republican Party failed to give plaintiff a place on the ballot in various states; that the news media of various states failed to give his candidacy proper attention; and that these media problems

inhibited his ability to gain financing for his candidacy.

Plaintiff has filed three motions: the first seeks to set aside the 1980 presidential election; the second asks the Court to declare the office of the president and vice president vacant; and the third seeks to direct Congress and the states to adopt new election laws.

The heart of plaintiff's concerns appear to be the differing treatment of major and minor political parties for campaign financing under the Federal Election Campaign Act (the Act), 26 U.S.C. §9001 et seq. The Act treats major parties differently from minor or new parties. *Id.*, 9001. Plaintiff argues that political parties should have no role in elections.

The Supreme Court in Buckley v. Valeo, 424 U. S. 1 (1976) rejected similar contentions in upholding the portion of the Act

governing campaign financing:

Appellants insist that Chapter 95 falls short of the constitutional requirement in that its provisions supply larger, and equal, sums to candidates of major parties, used prior vote levels as the sole criterion for pre-election funding, limit new-party candidates to post-election funds, and deny funds to candidates of parties receiving less than 5 per cent of the vote. These provisions, it is argued, are fatal to the validity of the scheme, because they work invidious discrimination against minor and new parties in violation of the Fifth Amendment. We disagree.

As conceded by appellants, the Constitution does not require Congress to treat all declared candidates the same for public financing purposes. . . (I)here are obvious differences in kind between the needs and potentials of a political party with historically established political support, on the one hand, and a new or small political organization on the other. . . The Constitution does not require the Government to "finance the efforts of every nascent political group," merely because Congress chose to finance the efforts of the major parties.

Id. at 97-98 (footnotes and case citations omitted).

The Supreme Court held that the statutory scheme providing different treatment of major and minor political parties was a

constitutional choice within the authority of Congress. Id. at 97-104. Plaintiff's attacks on the Act and the differing treatment accorded his candidacy compared with the candidacies of major parties thus fail to state a claim upon which relief can be granted. The Court grants defendant's motion and dismisses this action.

An appropriate order accompanies this opinion.

JUNE L. GREEN
June L. Green
U. S. DISTRICT JUDGE

December 28, 1981

(11.13) Order of the U. S. District Court granting defendant an enlargement of time to reply.

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

LOWELL M. STROOM,
Plaintiff,

Civil Action No.
81-2192

v.

JAMES J. CARTER,
Defendant

Filed Nov 19 1981

O R D E R

UFON CONSIDERATION of defendant's motion for enlargement of time and the entire record, it is this 18th day of Nov., 1981

ORDERED that defendant's motion is hereby granted, and it is

FURTHER ORDERED that defendant shall have until November 24, within which to respond to plaintiff's complaint and three motions.

JUNE L. GREEN
June L. Green
UNITED STATES DISTRICT JUDGE

(11.14) Order of the U. S. District
Court Granting "Defendant" an
Enlargement of Time to Reply.

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

LOWELL M. STROOM, Civil Action No.
Plaintiff 81-2192

v.

JAMES E. CARTER, Filed Sep 30 1981
Defendant. James F. Davey, Clerk

O R D E R

UPON CONSIDERATION of defendant's
motion for enlargement of time and the
entire record, it is this 30th day of
Sept, 1981

ORDERED that defendant's motion is
hereby granted, and it is

FURTHER ORDERED that defendant shall
have until November 16, 1981 within which
to respond to plaintiff's three motions
attached to his complaint.

JUNE L. GREEN
June L. Green
UNITED STATES DISTRICT JUDGE

APPENDIX C

(iii) A Copy of the Judgment Appealed from. The Order appears in Typewritten Form in Appendix A, Pages 1a and 2a.

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

LOWELL M. STROON)

Plaintiff)

v.)

Civil Action No. 81-2192

JAMES E. CARTER)

FILED

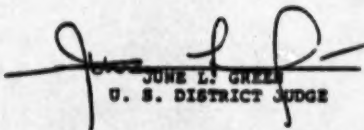
Defendant)

DEC 14 1982

O R D E R

CLERK, U.S. DISTRICT COURT
DISTRICT OF COLUMBIA

This action is before the Court on plaintiff's motion for new trial, request for hearing, and application for a three-judge panel. Upon consideration of these papers, the Court's memorandum opinion in this case filed December 28, 1981, the Court of Appeal's summary affirmance, Stroon v. Carter, No. 82-1114 (D. C. Cir. May 24, 1982), and the entire record, the Court finds plaintiff's latest papers frivolous and accordingly denies them without requiring a response from the defendant.



JUNE L. GREEN
U. S. DISTRICT JUDGE

December 13, 1982

APPENDIX D

(iv) A Copy of the Notice of Appeal
With Certificate of Service.

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

LOWELL M. STROOM, Filed Dec 28 1982
Plaintiff,
v. Civil Action No.
JAMES E. CARTER, 81-2192
Defendant.

NOTICE OF APPEAL TO THE SUPREME COURT

Notice is hereby given that Lowell
M. Stroom, the Plaintiff above named,
hereby appeals to the Supreme Court of
the United States from the order denying
a three judge panel and a new trial entered
in this action on December 14, 1982.

The appeal is taken pursuant to Title
28 United States Code, Section 1252.

Dated: 26 December 1982

by LOWELL M. STROOM
Pro Se
Lowell M. Stroom

CERTIFICATE OF SERVICE

Lowell M. Stroom, Pro Se, Plaintiff above named, hereby certifies that on December 28, 1982 he served the attached "Notice of Appeal" by mailing a copy thereof by certified U. S. Mail, postage prepaid, addressed to the Defendant as follows: To James E. Carter, Pro Se, Plains, Georgia 31780. Further, that service was made in person on December 28, 1982 as follows: To the Solicitor General at his office in the U. S. Department of Justice, Washington, D. C., by handing a copy to a person authorized to accept such service for the Solicitor General; To the U. S. Attorney General, at his office in the U. S. Department of Justice, Washington, D. C., by handing a copy to a person authorized to accept such service for the U. S. Attorney General; and to the U. S. Attorney, at his office in the U. S. Courthouse, Washington, D. C., by handing a copy to a person who is authorized

to receive such service for the U. S.
Attorney.

Dated: 28 December 1982

by LOWELL M. STROOM
Pro Se
Lowell M. Stroom

APPENDIX E

(v) All Other Appended Materials

(v.1) Plaintiff-Appellant's Proposed Court Orders for Relief in the Civil Action Under Appeal, Entered into U. S. District Court 11 September 1981. The text here contains minor revisions to improve the reading only.

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

LOWELL M. STROOM, Plaintiff, Civil Action
v. 81-2192
JAMES E. CARTER, Defendant.

O R D E R 1

UNITED STATES District Court for the District of Columbia notifies the Houses of Congress of the United States, their leaders, members, and employees, of its determination that the Presidential elections of November, 1980, failed to conform to the intent of the United States Constitution, by reason of election procedures which debase and dilute the voting franchise guaranteed by the Constitution. Mr. Carter's negligence in taking care that the Constitution's laws are executed resulted in procedures which failed to provide for the

voting franchise as guaranteed by the Constitution, and the selection of electors on some basis other than that which is required by Amendment XII, thus depriving voters of their liberties without due process of law (U. S. Const., amend V), and all citizens of a government which is established and ordained by the People in the Constitution. (U. S. Const., Amend. IX). (The Presidential elections in 1980 were abridged, for which judicial protection for the rights of the people in Presidential Elections is mandated in Amendment XIV of the U. S. Constitution.) The Court, pursuant to its oath of office, which is to support the Constitution, must declare the results of the election null and void (invalid), and order that such elections (and electors) can make no claim to qualifying a person for the Office of President or for the Office of Vice President. (U. S. Const., Amend. XX) Laws which conflict with the

28a

Constitution, all other considerations
inclusive, are null and void (invalid).

(U. S. Const., art. VI)

UNITED STATES DISTRICT JUDGE

Dated:

(Text in parenthesis contain new and
further grounds.)

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

LOWELL M. STROOM, Plaintiff, Civil Action
v. 81-2192
JAMES E. CARTER, Defendant.

O R D E R 2
(or Writ of Election)

UNITED STATES DISTRICT COURT for the District of Columbia hereby notifies the Houses of Congress of the United States, their leaders, members, and employees, of its determination that the Office of the President and the Office of the Vice President are vacant as of the date the Court declared the results of the 1980 Presidential Elections to be null and void, (invalid) (and the participation of electors, chosen on some basis other than that which is required by Amendment XII, in the proceedings in Congress on January 6, 1981, unconstitutional); and

FURTHER, the Court orders the Congress to call new elections for the fifth Tuesday following the date of issue appearing on

Order 1 of this proceeding. (The election's purpose shall be to qualify a President and a Vice President pursuant to the laws which are contained in Amendment XII, to select a President and Vice President solely on the basis of the preferences of the people, and to achieve popular-majority government, and according to Amendment XX.) The new presidential term of office shall begin as provided by Order 3 of this proceeding and continue until January 20, 1985. No legislation requiring Presidential approval shall be completed until a new President is inaugurated. The Supreme Court shall retain jurisdiction in this action. Essential administrative duties of the Government may proceed as prescribed by this Court.

UNITED STATES DISTRICT JUDGE

Dated:

(Text in parenthesis consists on new and further grounds.)

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

LOWELL M. STROOM, Plaintiff, Civil Action
v. 81-2192
JAMES E. CARTER, Defendant.

O R D E R 3

UNITED STATES DISTRICT COURT for the
District of Columbia, (pursuant to Amendment
XII and Amendment XIV which provides judicial
protection from the abridgment of the rights
of the people in Presidential Elections),
hereby Orders the Houses of Congress of
the United States, their leaders and members,
to establish that the Election Offices of
each of the 50 states and the District of
Columbia shall conform to the intent of
the laws of the Constitution in all matters
of the 1982 (1983) Presidential Special
Election and thereafter. (The Court hereby
enunciates the laws which are mandated by
the Constitution in Amendment XII, and
orders that any federal or state statutes,
Articles or Amendments of State Constitutions,
or local laws which deprive the citizens

of any of these rights, or "abridge them in any way", must yield to the laws of the Constitution, now and hereafter, for being unconstitutional:)

- 1) No special provisions may be attached to any Candidate, such as to Lowell Stroom, or to any Candidacy, which do not apply to every other Candidate and Candidacy.
- 2) Each Candidate must have equal access to Federal Funding if it is provided.
- 3) Each Candidate must have equal access to Federally licensed communication stations.
- 4) The State and Federal governments, and subdivisions thereof, may make no expenditures, now or hereafter, which assist political parties or any such organization in the selection of nominees.
- 5) No endorsements, such as the names of parties or other organizations shall appear on any ballots for local, state, or Federal offices in the 1982 (1983) Presidential Special Election or in any election

thereafter. (U. S. Const., art IV, Amend. XIV). 6) Nothing may be presented in the election procedures "under color of any office" which favors any Candidacy, or which suggests that one citizen has a greater right to the office than another. 7) No persons who shall have contributed to the negligence, and to the debasement, dilution, and abridgments of the voting franchise and of the rights of the people in the 1980 Presidential Elections, shall be a Candidate in the 1982 (1983) Special Presidential Elections.

FURTHER, in consideration of the Constitution's mandates and intent as concerns the rights of the people in presidential elections:

Article II, The Electors; Article IV, A guaranteed Republicna Form of Government; Article VI, The Supremacy of the Laws of the Constitution; Amendment V, Liberties Protected; Amendment IX, All Rights Reserved for the People and the Sovereignty of the People; Amendment XII, The Electors, The Right of the People to Elect the President and Vice President, and the

(Intent of All Elections to Achieve Popular-Majority Government), Separate Ballots for President and Vice-President. Amendment XIV, the Equal Protection of the laws and (the Right of the People to Elections Which are Unabridged; and Amendment XX, the Right to a President Who is Qualified.

the Court orders that the following procedures shall be followed in the Special Presidential Election of 1982 (1983):

8) Each state shall appoint nonpartisan Electors who shall transmit accurately to the Congress the state's preferences as expressed in state elections for the President and Vice President, and as prescribed by the Constitution, (amend. XII), but consideration for the Electors shall not influence the form of Elections in the States. The election, and every related procedure, of the President and Vice President are the sole right of the People, which right may not be abridged by any law or statute. (U. S. Const., amend. XII).

9) The Right to Vote (the rights of the People in Presidential Elections) mandates

an equally effective voice for every citizen, including an "equal voice" in nominating procedures. The Court orders the Congress to invite nominations for the Office of President and for the Office of Vice-President in the "1982 (1983) Presidential Special Elections" immediately upon receipt of this Court Order, from each of the organizations named on the Court's "Approved List of Nominating Organizations" attached hereto. In the "call for nominations", organizations shall be informed of the intent of the procedures which is: A) to establish excellence in the Office of the President and in the Office of the Vice-President; B) to provide for the Constitution's intent, which makes the People responsible for providing Presidential nominations, and C) to match the talent of our nation to the great tasks of government. The "Organizations'" members shall be polled to the extent possible. The

"List of Organizations" shall not be considered permanent. Similar representative lists shall be created for future elections. The Organizations named shall transmit their nominations within two weeks of the "call", sealed and certified, to the President pro tempore of the Senate who shall open them in the presence of the Members of the Senate and of Court appointed Marshalls, who shall transmit a list of the nominations to the U. S. Printing Office for the preparation of ballots. Ten names of individuals, selected by the President pro tempore and including that of Lowell M. Stroom, who have had significant support for several years, constituting nomination, shall be placed on the list of Candidates for President before it is transmitted to the U. S. Printing Office.

10) The Elections shall provide for Equal Protection of the Laws. The U. S. Printing Office shall print ballots which

shall be used in every state. (U. S. Const., amend. XIV) Separate ballots shall be printed each for the Office of President, and for the Office of the Vice-President. (U. S. Const., amend XII). Nominations shall be listed in a random order on the ballots. (Amend., XIV). Equal spaces shall be provided for write-in nominations. (U. S. Const., amend. XII). No endorsements of any kind, such as the names of political parties or other organizations shall be printed on the ballots. (U. S. Const., Amend. V, XII, XIV).

11) As Ordered by this Court, Elections shall be called for the third Tuesday following the opening of the nominations in the Senate. If no Candidate shall have received a majority of votes in this balloting, Congress shall call a special run-off election for Tuesday, two weeks later, to elect a President and Vice-President from among the three Candidates who received the

largest number of votes cast. Ballots for this run-off election shall be printed by the U. S. Printing Office following the identical conditions stated in Provision 10 above. There shall be equal spaces for write-in votes, separate ballots for President and Vice-President, and no endorsements shall be listed.

12) On the Tuesday following the election, the Electors shall report the results of this election to the Congress as prescribed by Amendment XII of the U. S. Constitution.

13) The inauguration of the new President and Vice-President shall occur on the Tuesday, one week after the report of the Electors has been submitted to the Senate.

14) The term of office of every Presidentially appointed employee, presently employed by the Executive Department of the United States, shall be considered completed

on Tuesday, one week following the inauguration. Presidential appointees of the newly inaugurated President, with the advice and consent of the Senate, shall begin their duties and their term of office on the same day.

(The Court shall retain jurisdiction in these proceedings.)

UNITED STATES DISTRICT JUDGE

Dated:

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

LOWELL M. STROOM, Plaintiff Civil Action
v. 81-2192
JAMES E. CARTER, Defendant

APPROVED LIST OF NOMINATING ORGANIZATIONS
IN THE 1982 (1983) PRESIDENTIAL SPECIAL
ELECTION

IN ACCORDANCE with the provisions of
Court Order 3 of the United States District
Court for the District of Columbia, it is
hereby ordered that each organization
named hereafter, shall be invited by the
Congress of the United States to name one
person who shall be a Candidate for the
Office of President of the United States,
and one person who shall be a Candidate
for the Office of Vice-President of the
United States.

1. The Philosophical Society
2. The National Association of
Manufacturers
3. The Rotary Club
4. The League of Women Voters
5. The Sierra Club
6. The Farm Bureau
7. The American Association of
Newspaper Editors
8. The National Urban League

9. The American Federation of Musicians
10. The U. S. Chamber of Commerce
11. American Medical Association
12. The National Grange
13. The United Steelworkers of America
14. American Association for the Advancement of Science
15. (Not Used)
16. The American Association of University Professors
17. United States Conference of Mayors
18. National League of Cities
19. The Republican Party
20. American Bar Association
21. National Parks and Conservation Association
22. National Governor's Association
23. American Association of Presidents of Independent Colleges and Universities
24. The Libertarian Party
25. The American Civil Liberties Union
26. The National Air Transportation Association
27. The Democratic Party
28. The National Council of Community World Affairs Organizations
29. The International Bankers Association
30. The Congress for Racial Equality
31. The Consumer Party
32. The Kiwanis Club
33. The Association of American Universities

UNITED STATES DISTRICT JUDGE

Dated:

(v.2) The January 6, 1981 proceedings and acts in Congress as reported in the Congressional Record.

□ 1230

**COUNTING ELECTORAL VOTES—
JOINT SESSION OF THE HOUSE
AND SENATE HELD PURSUANT
TO THE PROVISIONS OF
SENATE CONCURRENT RESOLU-
TION 1**

At 12 o'clock and 50 minutes p.m., the Doorkeeper, the Honorable James T. Molloy, announced the Vice President and the Senate of the United States.

The Senate entered the Hall of the House of Representatives, headed by the Vice President and the Secretary of the Senate, the Members and officers of the House rising to receive them.

The Vice President took his seat as the Presiding Officer of the joint convention of the two Houses, the Speaker of the House occupying the chair on his left.

□ 1300

The joint session was called to order by the Vice President.

The VICE PRESIDENT, Mr. Speaker, Members of the Congress, the Senate and the House of Representatives, pursuant to the requirements of the Constitution and the laws of the United States, have met in joint session for the purpose of opening the certificates and ascertaining and counting the votes of the electors of the several States for President and Vice President.

Under the precedents, unless a motion shall be made in any case, the reading of the formal portions of the certificates will be dispensed with. After ascertainment has been made that the certificates are authentic and correct in form, the tellers will count and make a list of the votes cast by the electors of the several States.

The tellers on the part of the two Houses will take their respective places at the Clerk's desk.

The tellers, Mr. MATHIAS and Mr. FORD on the part of the Senate, and Mr. HAWKINS and Mr. DICKINSON on the part of the House, took their places at the desk.

The VICE PRESIDENT. The Chair will now hand to the tellers the certificates of the electors for President and Vice President of the State of Alabama, and they will count and make a list of the votes cast by that State.

Mr. DICKINSON (one of the tellers). Mr. President, the certificate of the electoral vote of the State of Alabama seems to be regular in form and authentic, and it appears therefrom that Ronald Reagan of the State of California received nine votes for President, and GEORGE BUSH of the State of Texas received nine votes for Vice President.

The VICE PRESIDENT. There being no objection, the Chair will omit in further procedure the formal statement just made for the State of Alabama, and we will open the certificates in alphabetical order and pass to the tellers the certificates showing the vote of the electors in each State; and the tellers will then read, count, and announce the result in each State as was done in the case of the State of Alabama.

Is there objection?

The Chair hears no objection.

There was no objection.

The tellers then proceeded to read, count, and announce, as was done in the case of the State of Alabama, the electoral votes of the several States in alphabetical order.

□ 1320

The VICE PRESIDENT. Gentlemen and gentlewomen of the Congress, the certificates of all of the States have now been opened and read and the tellers will make the final ascertainment of the results and deliver the same to the Vice President.

The tellers delivered to the Vice President the following statement of the results:

The undersigned, CHARLES MCC. MATHIAS, JR. and WENDELL H. FORD, tellers on the part of the Senate, AUGUSTUS F. HAWKINS and WILLIAM L. DICKINSON, tellers on the part of the House of Representatives, report the following as the result of the ascertainment and counting of the electoral vote for President and Vice President of the United States for the term beginning on the twentieth day of January, nineteen hundred and eighty-one.

States	Electoral votes of each State	For President		For Vice President	
		Russell Rogers	Sammy Carter	George Buell	Walter Munich
Alabama	9	9		9	
Alaska	3	3		3	
Arizona	6	6		6	
Arkansas	6	6		6	
California	45	45		45	
Colorado	7	7		7	
Connecticut	8	8		8	
Delaware	3	3		3	
District of Columbia			3		3
Florida	17	17		17	
Georgia	12		12		12
Hawaii	4		4		4
Idaho	4	4		4	
Illinois	26	26		26	
Indiana	13	13		13	
Iowa	8	8		8	
Kansas	7	7		7	
Kentucky	9	9		9	
Louisiana	10	10		10	
Maine	4	4		4	
Maryland	10		10		10
Massachusetts	14	14		14	
Michigan	21	21		21	
Minnesota	10		10		10
Mississippi	7	7		7	
Missouri	12	12		12	
Montana	4	4		4	
Nebraska	5	5		5	
Nevada	3	3		3	
New Hampshire	4	4		4	
New Jersey	17	17		17	
New Mexico	4	4		4	
New York	41	41		41	
North Carolina	13	13		13	
North Dakota	3	3		3	
Ohio	25	25		25	
Oklahoma	6	6		6	
Oregon	6	6		6	
Pennsylvania	27	27		27	
Rhode Island	4		4		4
South Carolina	8	8		8	
South Dakota	4	4		4	
Tennessee	10	10		10	
Texas	26	26		26	
Utah	4	4		4	
Vermont	3	3		3	
Virginia	12	12		12	
Washington	9	9		9	
West Virginia	6		6		6
Wisconsin	11	11		11	
Wyoming	3	3		3	
Total	530	420	49	420	49

CHARLES MCC. MATHIAS, JR.,

WENDELL H. FORD,

Tellers on the Part of the Senate.

AUGUSTUS F. HAWKINS,

WILLIAM L. DICKINSON,

Tellers on the Part of the House.

The VICE PRESIDENT. The state
of the vote for President of the United

States, as delivered to the President of the Senate, is as follows:

The whole number of the electors appointed to vote for President of the United States is 538, of which a majority is 270.

Ronald Reagan, of the State of California, has received for President of the United States 489 votes;

Jimmy Carter, of the State of Georgia, has received 49 votes.

The state of the vote for Vice President of the United States, as delivered to the President of the Senate, is as follows:

The whole number of the electors appointed to vote for Vice President of the United States is 538, of which a majority is 270.

George Bush, of the State of Texas, has received for Vice President of the United States 489 votes;

Walter F. Mondale, of the State of Minnesota, has received 49 votes.

This announcement of the state of the vote by the President of the Senate shall be deemed a sufficient declaration of the persons elected President and Vice President of the United States, each for the term beginning on the 20th day of January, 1981, and shall be entered, together with a list of the votes, on the Journals of the Senate and House of Representatives.

The purpose for which the joint session of the two Houses of Congress has been called, pursuant to Senate Concurrent Resolution 1, 97th Congress, having been accomplished, the Chair declares the joint session dissolved.

(Thereupon, at 1 o'clock and 30 minutes p.m., the joint session of the two Houses of Congress was dissolved.)

□ 1330

The House was called to order by the Speaker.

The SPEAKER. Pursuant to Senate Concurrent Resolution 1, the Chair directs that the electoral votes be spread at large upon the Journal.

(v.3) The Orders of the United States District Court in Reynolds v. State Election Board, 233 F. Supp. 323. The Orders in Reynolds are the equivalent of those prayed for in the present action on appeal. In Reynolds, the Order is an equitable relief with elements of the Writ of Election and the Writ of Mandamus.

We...declare all legislative offices of the Oklahoma Legislature vacant as of the fifteenth day after the general election in November, 1964, and subject to special elections under 26 O.S. §§ 541-545, inclusive. It thus becomes the statutory duty of the Governor to call special elections as provided by 26 O.S. §§ 541-545, inclusive. The special elections will be conducted for the purpose of nominating candidates for the offices of the Senate and House of Representatives from the districts designated and delineated in the revised order of reapportionment hereinafter set forth. It is the obligation of the State Election Board and those acting under its authority and direction, to conduct elections as herein provided, out of any available funds appropriated to it. And, it is the obligation of the members of the Emergency Fund Board to make any necessary funds available to the Governor and to the State Election Board, for the purpose of conducting the special elections herein ordered.

...

The Election Board of the State of Oklahoma, and all those acting by and under its authority, are hereby ordered and directed to accept filings and conduct elections, only in accordance with the provisions of the revised order of reapportionment, and in conformity with the special election statutes of the State of Oklahoma where not inconsistent herewith. The said Board and those acting by and under its authority are enjoined from accepting filings otherwise than in conformity therewith, from conducting special primaries or special or general elections otherwise than in conformity therewith, from issuing certificates of nomination or election otherwise than in conformity therewith, from declaring the results of any such election held otherwise than in conformity therewith, and from certifying to the Secretaries of the County Election Boards a list of nominees otherwise than in conformity therewith.

The election boards of the various counties are likewise directed and ordered to conform to the provisions of said order in their conduct of any special primary and general elections, as well as in obtaining ballots and certifying results therefor.

[11] All persons and parties are enjoined and restrained from interfering with the conduct of the electoral process in any manner, from interfering with the terms of said order in any manner, and from taking any actions designed to or which will have the effect of interfering with the carrying out of said order, except as may be provided by law for the appeal of this order to the Supreme Court of the United States. And

this Court retains jurisdiction for the purpose of making any further orders deemed necessary to insure the special elections provided herein, to the end that nominees for the legislative offices provided herein, in accordance with 26 O.S. §§ 541-545, inclusive, shall be duly certified for the general election in November, 1964.

REVISED ORDER OF RE- APPORTIONMENT

The Legislature of the State of Oklahoma is hereby apportioned as hereinafter provided from the date of this order until the fifteenth day after the general election in November, 1972, unless and until a Legislature, elected and constituted by virtue of this apportionment or the duly constituted Apportionment Commission shall reapportion the Legislature in accordance with the requirements of the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution. The offices of all senators and representatives are hereby declared to be vacant as of the fifteenth day after the general election in November, 1964. The primary and run-off elections conducted in May, 1964, for nominations for the offices of senators and representatives from districts which do not strictly conform to the districts provided herein are hereby declared to be null and void. Those persons nominated in the 1964 primary elections from districts which strictly conform to the districts herein provided shall be the nominees of the appropriate districts and as to such districts only, the 1964 primary elections are not voided.

THE SENATE

The Oklahoma State Senate shall consist of 48 members who shall be apportioned during the period set forth above among the 48 senatorial districts of the State as provided herein.

The term of office of senators elected in the November, 1960, general election, as well as those nominated and elected at the November, 1962, elections, will end with the fifteenth day after the general election in November, 1964, all as provided in *Moss v. Burkhart*, supra, and affirmed by the Supreme Court of the United States.

Senators elected from even-numbered districts in November, 1964, shall hold office until the fifteenth day succeeding the general election in November, 1966, and senators elected from the odd-numbered districts in 1964 shall hold office until the fifteenth day succeeding the general election in November, 1968. The election of senators in 1966 and 1968 shall be for a term of four years, but the election in 1970 shall be only for a two-year term so that all terms shall expire on the fifteenth day succeeding the general election in 1972.

Each office is designated and distinguished numerically as provided herein and all filings of notification and declaration for nomination and election to any of such offices shall designate the number of the office to which the filings are intended to apply.

The Oklahoma Senate is, therefore, reapportioned as follows:

<u>DISTRICT NO.</u>	<u>AREA WITHIN DISTRICT (Counties)</u>
1.	Ottawa, Nowata, Craig
2.	Rogers, Mayes, Delaware
3.	Cherokee, Wagoner, Adair
4.	Sequoyah, LeFlore

(v.4) Excerpts from the Brief for the United States as Amicus Curiae on Reargument of Baker v. Carr, 360 US 186. The Brief contains a complete commentary on the laws of the Constitution as concerns the rights of the people in elections, concluding that the concept of law and justice as contained in the Constitution requires the Federal Courts to adjudicate the questions presented in Baker v. Carr. This is also the only recommendation an officer of the United States can make in the instant action on appeal.

In the Supreme Court of the United States

OCTOBER TERM, 1961

No. 6

CHARLES W. BAKER, ET AL., APPELLANTS

v.

JOE C. CARR, ET AL.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF TENNESSEE

BRIEF FOR THE UNITED STATES AS AMICUS CURIAE ON
REARGUMENT¹

* * *

at 10

1. This Court has repeatedly invalidated discriminations against a class of voters based on race. The prohibitions of the Fourteenth Amendment are not

confined to discriminations based on race, but extend to arbitrary and capricious action against other groups.

* * *

2. The merits of a challenge to the constitutionality of a legislative apportionment under the Fourteenth Amendment are amenable to reasoned analysis and judicial determination.

* * *

at 16

The exercise of sound equitable discretion requires the federal courts to retain jurisdiction and adjudicate the merits of the present controversy.

* * *

2. The seriousness of the wrong calls for judicial action. It is only a slight exaggeration to say that one-third of the voters of Tennessee rule the other two-thirds in the enactment of legislation.

3. The complainants have no judicial remedy outside of the federal courts because they have exhausted their remedies in the State courts.

* * *

at 17

This case involves the most basic right in a democracy, the right to fair representation in one's own government.

* * *

at 18

This discrimination, * * *

has at least two consequences. *First*, these voters are deprived of the fundamental right to share fairly in choosing their own government

* * *

at 21

THE COMPLAINT SUFFICIENTLY ALLEGES A VIOLATION OF COMPLAINANTS' RIGHTS UNDER THE FOURTEENTH AMENDMENT TO BE WITHIN THE JURISDICTION OF THE DISTRICT COURT

* * *

1. *The right to be free from gross discrimination in the selection of a State legislature is a federal right protected by the Fourteenth Amendment.*

* * *

at 25

Certainly, the right to have a fair share in the choosing of one's own government is "of the very essence of a scheme of ordered liberty" and is a fundamental principle of liberty and justice lying "at the base of all our civil and political institutions."

* * *

2. *The merits of a challenge to the constitutionality of a legislative apportionment under the Fourteenth Amendment are amenable to reasoned analysis and judicial determination.*

* * *

at 35

Arbitrary regulation of the right to vote, even more than restrictions upon freedom of communication, destroys the essential pre-conditions of alert democracy. Those who are denied the right to vote or who are grossly under-represented cannot protect their franchise by voting. There is, therefore, a special reason for the courts to exert all the power they possess for the vindication of these constitutional rights.

* * *

at 36

3. The need for constitutional protection is urgent because malapportionment of State legislatures is subverting responsible State and local government.